



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: March 09, 2018

TIME: 7:13 AM

WSR 18-07-007

Agency: Department of Licensing

☒ Original Notice

☐ Supplemental Notice to WSR \_\_\_\_\_

☐ Continuance of WSR \_\_\_\_\_

☒ Preproposal Statement of Inquiry was filed as WSR 18-03-118 ; or

☐ Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or

☐ Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

☐ Proposal is exempt under RCW \_\_\_\_\_.

Title of rule and other identifying information: (describe subject) WAC 308-104-014 Application for driver's license or identicard.

### Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|-------|-------|-------------------------|----------|
|-------|-------|-------------------------|----------|

|                |           |   |  |
|----------------|-----------|---|--|
| April 24, 2018 | 9:00 a.m. | City of Olympia Parks, Arts & Recreation<br>Room 200<br>222 Columbia Street NW,<br>Olympia WA 98501 |  |
|----------------|-----------|---|--|

Date of intended adoption: April 25, 2018 (Note: This is NOT the effective date)

### Submit written comments to:

Name: Stephanie Sams, Policy & Legislative Analyst

Address: Department of Licensing, PO Box 9030, Olympia, WA 98507-9030

Email: ssams@dol.wa.gov

Fax:

Other:

By (date) April 23, 2018

### Assistance for persons with disabilities:

Contact Stephanie Sams, Policy & Legislative Analyst

Phone: 360-902-0131

Fax: 360-664-0116

TTY:

Email: ssams@dol.wa.gov

Other:

By (date) April 23, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Department's current regulations require an applicant for a driver's license to provide the applicant's place of birth. A person's place of birth is not necessary for ascertaining a person's identity and should be removed.

**Reasons supporting proposal:** The amendment will update the Department's policy and procedures for processing applications for driver licenses, identification cards and instruction permits. The amendment will end the Department's collection of an applicant's place of birth, because there is a risk that collection of information that does not prove identity and establishes a Washington resident's national origin could be lawfully obtained by federal law enforcement agencies for federal immigration enforcement purposes, or otherwise could be used to discriminate against a person based on national origin. See Governor's Exec. Order, 17-01.

**Statutory authority for adoption:** RCWs 46.01.110 & 46.20.119

**Statute being implemented:** N/A

**Is rule necessary because of a:**

Federal Law?

☐ Yes ☒ No

Federal Court Decision?

☐ Yes ☒ No

State Court Decision?

☐ Yes ☒ No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None

**Name of proponent:** (person or organization) Department of Licensing

☐ Private

☐ Public

☒ Governmental

**Name of agency personnel responsible for:**

|                 | Name           | Office Location                        | Phone        |
|-----------------|----------------|--|--------------|
| Drafting:       | Stephanie Sams | Highway Licenses Building, Olympia, WA | 360-902-0131 |
| Implementation: | Greg Mukai     | Highway Licenses Building, Olympia, WA | 360-902-3851 |
| Enforcement:    | Greg Mukai     | Highway Licenses Building, Olympia, WA | 360-902-3851 |

**Is a school district fiscal impact statement required under RCW 28A.305.135?**

☐ Yes ☒ No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

☒ No: Please explain: The amendment adds no additional cost to the stakeholders.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☒ RCW 34.05.310 (4)(b)  
(Internal government operations)

☐ RCW 34.05.310 (4)(c)  
(Incorporation by reference)

☐ RCW 34.05.310 (4)(d)  
(Correct or clarify language)

☐ RCW 34.05.310 (4)(e)  
(Dictated by statute)

☐ RCW 34.05.310 (4)(f)  
(Set or adjust fees)

☐ RCW 34.05.310 (4)(g)  
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_.

Explanation of exemptions, if necessary:

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** March 9, 2018

**Name:** Damon Monroe

**Title:** Rules Coordinator

**Signature:**

